



## **CAN WE TALK?**

**Appeal procedures to follow if you and your counselor disagree.**



**options**

**If you can't agree on  
an issue that you feel is  
important to your success,  
you have options.**

*Texas Workforce Solutions comprises the Texas Workforce Commission, 28 local workforce development boards and our service-providing partners. Together we provide workforce education, training and support services, including vocational rehabilitation assistance for the people of Texas.*

## **What happens if I disagree with my counselor?**

As a consumer of Texas Workforce Solutions-Vocational Rehabilitation Services (TWS-VRS), it is important that you work with your counselor to achieve your goals. There may be times when you and your counselor don't agree on a course of action. When that happens, you can usually work this out by talking to your counselor. You may also ask to meet with the counselor's immediate supervisor.

However, if you can't agree on an issue that you feel is important to your success, your counselor or the supervisor will discuss the options available to address your concerns.

Your options for review of decisions made regarding your services include:

- Due process hearing
- Mediation

## **Helpful Hints**

At any meeting, you may bring someone to help you with your concerns.

At each meeting, be sure to bring any information that will help your counselor and other TWS-VRS personnel who are involved understand your concerns.



## **Timeline for requesting a review**

If you are unable to work out your concerns and want to request a review of a determination that affects the provision of services with which you don't agree, you must make your request within 180 days of the date the determination was made.

## **Due Process Hearing Steps and Mediation**

We hope you have tried to work out your disagreement with your counselor. However, if you are not satisfied with the results, you have the right to request a due process hearing. At this hearing, your concerns are heard and a decision is made by an impartial hearing officer. (Even though you have requested a due process hearing, the appeal can still be resolved informally at any time).

Follow these steps when requesting a due process hearing:

1. Complete Form 1505, Request for Due Process Hearing and/or Mediation, or make a written request for a hearing and send it to the hearings coordinator at the address listed on the form. You can get this form from your counselor or call 800-628-5115 and have a form sent to you. If you plan to have someone represent you in your hearing, you must file Form 1487, Designation of Applicant or Consumer Representative with the hearings coordinator. You can also get this form from the hearings coordinator.

2. When your request for a due process hearing is received, an impartial hearing officer will be appointed to hear your case.
3. You may request mediation by an impartial and qualified mediator to try to resolve the dispute. The mediation process must be voluntary and agreeable to both parties. If an agreement is not reached, the due process hearing will be held. (The prehearing is still held, even if mediation is in progress).
4. You will be contacted by the hearings coordinator to schedule the pre-hearing conference or mediation. The pre-hearing conference will review the issues and inform you of rules and procedures that will be followed in your hearing. A settlement may be reached during the pre-hearing conference. However, if a settlement is not reached, the due process hearing will be scheduled. (Mediation may still be requested at this time.)
5. During the due process hearing, you will have an opportunity to present your case. At the end of the hearing, the impartial hearing officer will tell you when you can expect a decision.
6. You will receive the impartial hearing officer's decision in writing.
7. If you do not agree with the impartial hearing officer's decision, you have 20 days to file a motion for reconsideration. If the hearing officer denies your request, you will have 30 days to appeal the decision to any court of competent jurisdiction.

## **Client Assistance Program (CAP)**

If you are applying for or receiving services from TWS-VRS, the Client Assistance Program (CAP) is available to assist you at any time, including during mediation and due process hearings. This free service, which is part of Disability Rights Texas (DRTx), provides assistance through:

- Information about rehabilitation services and TWS-VRS policy
- Review of your TWS-VRS records
- Referral to programs and services for people with disabilities
- Services to represent individual rights, including advisement, advocacy and negotiation with TWS-VRS

## **Your Rights**

You are provided notice of the right to obtain review of any determinations that affect the provision of services to you through a due process hearing under 40 Texas Administrative Code (TAC) Sections 850.60 through 850.84 and 40 TAC Sections 850.100 through 850.111 and of the right to pursue mediation under 40 TAC Section 850.83.

Requests for mediation or a due process hearing must be filed with:

Office of General Counsel  
Hearings Coordinator, VR-Legal Services  
101 East 15th Street, Rm. 608  
Austin, Texas 78778-0001

A hearing conducted by an impartial hearing officer must be held within 60 days of a consumer's or eligible individual's request for review of a determination, unless informal resolution or a mediation agreement is achieved prior to the 60th day or the parties agree to a specific extension of the time.

Mediators will be selected at random from a list of qualified and impartial mediators maintained by the hearings coordinator or by agreement between TWS-VRS and the consumer or eligible individual or the individual's representative; or in accordance with a procedure established under 40 TAC Section 850.83 for assigning mediators that ensures the neutrality of the mediator assigned.

Impartial hearing officers will be selected at random from a pool of qualified persons identified jointly by TWC and the Rehabilitation Council of Texas. This notice must be provided to you in writing at the time a due process hearing is requested.

You will receive a Can We Talk? brochure when you apply for TWS-VR services; when an Individualized Plan for Employment is developed; or whenever your services are reduced, suspended or terminated.

**If you need more information or assistance about the legal rights of people with disabilities contact:**

**800-628-5115**

**Client Assistance Program (CAP)  
800-252-9108**

**866-362-2851 (videophone)**

# Client Assistance Program (CAP) 800-252-9108

## Disability Rights Texas (DRTx) Regional Offices

### Central Texas

2222 W. Braker Lane  
Austin, Texas 78758  
512-454-4816 (voice)  
512-302-4936 (fax)  
866-362-2851 (videophone)

### East Texas

1500 McGowen, Suite 100  
Houston, Texas 77004  
713-974-7691 (voice)  
713-974-7695 (fax)  
866-362-2851 (videophone)

### El Paso

300 E. Main, Suite 205  
El Paso, Texas 79901  
915-542-0585 (voice)  
915-542-2676 (fax)  
866-362-2851 (videophone)

### North Texas

1420 W. Mockingbird Lane,  
Suite 450  
Dallas, Texas 75247-4932  
214-630-0916 (voice)  
214-630-3472 (fax)  
866-362-2851 (videophone)

### South Texas

6800 Park Ten Blvd.,  
Suite 208-N  
San Antonio, Texas 78213  
210-737-0499 (voice)  
210-737-2403 (fax)  
866-362-2851 (videophone)

### West Texas

4747 South Loop 289,  
Suite 120  
Lubbock, Texas 79424  
806-765-7794 (voice)  
806-765-0496 (fax)  
866-362-2851 (videophone)



Texas Workforce Solutions - Vocational Rehabilitation Services  
101 East 15th Street  
Austin, Texas 78778-0001  
800-628-5115

Equal Opportunity Employer/Program  
Auxiliary aids and services are available upon request  
to individuals with disabilities.  
Relay Texas: 800-735-2989 (TTY) and 711 (Voice)

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